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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,521	11/26/2001	Scott Lochner	07326-002002	8530

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FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 12/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,521

Applicant(s)

LOCHNER ET AL.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,5,7,12-17,19,21-23, are rejected under 35 U.S.C. 102(b) as being anticipated by Auer et al (US 4,725,694).

Consider claims 1,21,22,23,. Auer teaches a system comprising a base storage and control system including an arrangement for receiving and using an input signal in real time, the input signal interacting with an application program at the base storage and control, note that the base computer of Auer would of course provide non-volatile storage of information, and an arrangement for providing a display output signal based on the input signal and execution of the application program (Auer see especially col 1, line 65- col 2, line 20, col 6, lines 28-35); and an arrangement for wirelessly receiving the input signal and communicating the display output (col 3, lines 34-40); a portable input output system including an arrangement for wireless communicating the input and display signals with the base computer(Auer see especially fig 1-6); an arrangement for inputting information and interacting with the base computer application, and arrangement for providing a full screen display and wherein the program is operable at the base computer in the same way that a display and keyboard coupled by wires would be (Auer col 1, line 39 – col 2, line 20).

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As to claim 2, note that Auer teaches the use of RF to enable the wireless communication (Auer see especially col 5, line 45).

As to claims 5,19, note that Auer's input signal is a keyboard signal (Auer see especially col 6, lines 45-55).

As to claim 7, note that user input to a keyboard is asynchronous.

As to claims 13, note that Auer teaches a micro controller (microprocessor) (Auer see especially fig 8, col 5, lines 40-55, col 1, lines 53-55).

As to claims 12, 14, note that Auer teaches the microprocessor can be in the portable or base unit (Auer see especially fig 8, col 5, lines 40-55, col 1, lines 53-55).

As to claim 15, note that Auer teaches the portable input and base computer having separate housings (Auer see especially fig 1-6, 9).

As to claims 16,17, note that Auer's display includes full screen graphics (Auer see especially figs 4-6, col 6, lines 45-69).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3,5,6,20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Auer.

As to claim 3, note that Auer teaches using RF to enable the wireless communication (Auer see especially col 5, line 45), and as is well known, radio waves have a wavelength longer than infrared wavelength. Auer differs from the claim in not specifying the type of modulation the RF wireless signals should use. Official Notice is taken that AM, FM and spread spectrum are well known modulation techniques. Therefore it would have been obvious to one of ordinary skill in the art to use one of AM, FM or spread spectrum to modulate the signals in order to use well known communication techniques.

As to claims 5, 6, Auer differs from the claim in not specifying the type of video signal used. Official notice is taken that video, video synch, horizontal and vertical video synch, composite video, video and synch signals, and RGB are well known types of video signaling, it would have been obvious to one of ordinary skill in the art to use one of the signaling methods claimed in order to allow use of proven methods.

As to claim 20, Auer differs from the claim in not the use of a disk drive or CD ROM in the computer. Official notice is taken that it is well known in the art to equip computers with a disk drive or CD ROM. Therefore, it would have been obvious to one

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of ordinary skill in the art to equip the computer as shown in the claims in order to easily load and store new application programs.

6. Claims 8-10, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auer in view of Tymes (US 5,029,183).

Consider claims 8, 11. Auer teaches everything claimed including the wireless signaling being RF. Auer lacks a teaching of the devices using antennas and transceivers. Tymes teaches a remote computer system which communicates wirelessly using radio transceivers and antennas (Tymes see especially fig 4, col 8, lines 25-65). It would have been obvious to one of ordinary skill in the art to modify Auer to use transceivers and antennas as taught by Tymes in order to utilize proven wireless technology.

As to claim 9, Auer in view of Tymes teaches everything claimed except for the use of a directional coupler. Official Notice is taken that the use of directional couplers is well known in the art. It would have been obvious to one of ordinary skill in the art to modify Auer in view of Tymes to use a directional coupler in order to ensure that transmission and reception signals did not interfere with one another.

As to claim 10, Auer in view of Tymes teaches everything claimed except for the use of an omni directional antenna. Official Notice is taken that the use of omni directional antenna is well known in the art. It would have been obvious to one of ordinary skill in the art to modify Auer in view of Tymes to use an omni directional antenna in order to ensure that transmissions could be received in any direction from the base.

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As to claim 18, Auer in view of Tymes teaches everything claimed except for the use of a priority for a plurality of remotes to communicate. Tymes teaches a priority for the remotes allowing them to communicate without interfering with one another (Tymes see especially col 12, lines 24-68). It would have been obvious to one of ordinary skill in the art to modify Auer to use the priority of Tymes to allow the remotes to communicate without interfering with one another.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yokozawa (US 4,534,012) and Asano et al (US 4,853,682) have been cited to show remote computer stations.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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Philip Sobutka

Pjs
December 14, 2003


NAY MAUNG
SUPERVISORY PATENT EXAMINER



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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Commissioner for Patents